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January 16, 2003

PRIVILEGED AND CONFIDENTIAL
SETTLEMENT COMMUNICATION

VIA FIRST CLASS MAIL

Mr. Thomas J. Krueger
Associate Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Ellsworth Industrial Park Site -- Downers Grove Sanitary District

Dear Tom:

On behalf of the Downer's Grove Sanitary District, I wish to extend my appreciation to you and the entire U.S. EPA team for your review of the *Site Investigation Report on The Downers Grove Sanitary District's Sewage Lagoon Area*, and for our recent meeting to discuss the potential impact of that report.

As you know, the Downer's Grove Sanitary District was identified a potentially responsible party ("PRP") based on the notion that the sludge lagoons located on the District's property were potentially contaminated. This notion was based on a single groundwater result from a well identified as BD-4(I) that contained trichloroethene at 0.0092 mg/L.

The additional data that we have obtained, as outlined in the report we discussed at our meeting, establishes the sludge lagoons are not a source of the contamination in the groundwater at the Ellsworth Industrial Park. As we discussed, the additional sampling work we have conducted not only definitively rules out the sludge lagoons as a source, since no contaminants of concern were detected in the sludge or underlying soil, but also identifies the source of contamination found in well BD-4(I). The District believes that the source of the contamination found in that well -- a source previously overlooked by U.S. EPA -- is a contaminated

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discussed during our recent meetings. To that end, please notify me immediately if you believe the foregoing in any way mischaracterizes the substance and status of our discussions, or misstates the position of the U.S.EPA or the State of Illinois, regarding this matter. Again, we appreciate your time and attention to this matter, and the opportunity to meet to discuss the results of our sampling data. We look forward to renewing our discussions with you at the first opportunity. Please keep us informed of any developments that effect the timing of additional settlement discussions with the Downers Grove Sanitary District

Very truly yours,

A handwritten signature in dark ink, appearing to read "Francis X. Lyons", written in a cursive style.

Francis X. Lyons

cc: Larry Cox
Don Eckmann
Wendy Carney
Doug Ballotti
Mathew Mankowski
Mazin Enwiya ✓
Kendra Pohn
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Mark Latham
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